

REMARKS/ARGUMENTS

Favorable reconsideration of this application is respectfully requested.

Claims 15, 16, 23, and 24 are pending in this application. Claims 1-14 and 17-22 have been canceled without prejudice or disclaimer. Claims 15 and 16 have been amended to better reflect the invention and Claim 23 and 24 have been added as method claims corresponding to apparatus claims 15 and 16 without the introduction of any new matter. With specific regard to independent Claims 15 and 23, note page 22, lines 5-9 describing step S53 of Fig. 12, for example.

The outstanding Office Action includes a rejection of Claims 13-16 under §103(a) as unpatentable over Sullivan et al (U.S. Patent No. 6,105,028, Sullivan) in view of Hsiao et al. (U.S. Patent No. 6,266,784, Hsiao) in further view of Kazu (JP 06-153140)¹, a rejection of Claims 7-12, 17, 18, and 22 under §103(a) as unpatentable over Sullivan in view of Kazu, a rejection of Claim 19 under §103(a) as unpatentable over Sullivan in view of Kazu in further view of Nathan (U.S. Patent No. 6,240,550), and a rejection of Claims 20 and 21 under §103(a) as unpatentable over Sullivan in view of Kazu in further view of Tatematsu (JP 10-240604).

With regard to the rejection of Claims 13-16 under §103(a) as unpatentable over Sullivan in view of Hsiao in further view of Kazu, it is noted that this rejection is believed to be moot as to Claims 13 and 14 in view of the cancellation of these claims.

With further regard to this rejection of Claims 15 and 16, each of these claims require, *inter alia*, the base independent Claim 15 feature of the retrieving component that responds to

1. Once again incorrectly listed as "JP04-153140" in the outstanding Action.

“a client request over the network specifying a date and time to search said retrieval storage area for the backup retrieval file having the retrieval file name exactly corresponding to the date and time of the client request and, if no exact match for the date and time corresponding to the client request is found, to search said retrieval storage area for the backup retrieval file having the retrieval file name with a date and time that are closest to the date and time corresponding to the client request while also being prior thereto” (emphasis added). None of Sullivan, Hsiao, and/or Kazu, considered alone or together in any proper combination teach or suggest this expressly claimed subject matter to those of ordinary skill in the art. Accordingly this rejection as applied to amended independent base Claim 15 and Claim 16 dependent thereon is traversed.

The rejection of Claims 7-12, 17, 18, and 22 under §103(a) as unpatentable over Sullivan in view of Kazu, the rejection of Claim 19 under §103(a) as unpatentable over Sullivan in view of Kazu in further view of Nathan, and the rejection of Claims 20 and 21 under §103(a) as unpatentable over Sullivan in view of Kazu in further view of Tatematsu are all believed to be moot in view of the cancellation of Claims 7-12, and 17-22.

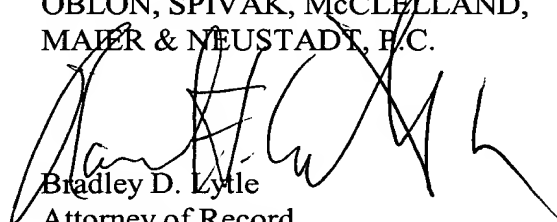
New independent method Claim 23 closely parallels base independent apparatus Claim 15 and new dependent method Claim 24 closely parallels dependent apparatus Claim 16. Accordingly, Claims 23 and 24 are believed to clearly patentably define over the applied references at least for the same reasons above argued Claims 15 and 16 do.

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Reply to Office Action of 04/09/2004

As no other issues are believed to remain outstanding relative to this application, it is believed to be clear that this application is in condition for formal allowance and an early and favorable action to this effect is, therefore, respectfully requested.

Respectfully submitted,

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